



June 27, 2007

Standard Operating Procedures

Expedited Review Program Bureau of Air Quality Air Quality Construction Permits

Scope

S.C. Code of Laws, Title 44, Section 44-1-165 authorizes the Department of Health and Environmental Control (Department) to pilot an Expedited Review Program to provide a process for expedited permit application review for entities applying for an air construction permit. During the pilot period, the Department is allowed to collect additional fees to adjust staffing levels to accommodate the demand for expedited review. **Applications that do not request expedited review under this program will be reviewed in accordance with the normal regulatory timeframes on a first received, first reviewed basis.**

Goal

The goal is to have a project reviewed by the deadlines specified below for air quality construction permit activities:

Table A Expedited Review Time Frames		
Permit Type	Required Regulatory Issuance Dates*	Expedited Review Issuance Dates*
Minor Source Construction Permit	90 days	30 days
Synthetic Minor Construction Permit**	90 days	65 days
Prevention of Significant Deterioration (PSD) not impacting a Class I Area** (no Class I modeling required)	270 days	120 days
Prevention of Significant Deterioration (PSD) impacting a Class I Area** (Class I modeling is required)	270 days	150 days
Expedited Review Time Frames for Industries That Fall Under the General Permit Programs		
Permit Type	Required Regulatory Issuance Dates*	Expedited Review Issuance Dates*
Minor Source Construction Permit - Concrete Batch	90 days	10 days
Minor Source Construction Permit - Asphalt Plant	90 days	20 days
Synthetic Minor Construction Permit** - Concrete Batch	90 days	45 days
Synthetic Minor Construction Permit** - Asphalt Plant	90 days	55 days
* All days above are calendar days, but exclude State holidays, and building closure dates due to severe weather or other emergencies.		
** These permits require a 30-day public comment period. The timeframes above include the 30-day public comment period.		

Pre-Application Meeting:

All applicants requesting an expedited PSD construction permit must request and participate in a pre-application meeting. Applicants requesting an expedited Synthetic Minor construction permit are highly recommended to request and participate in a pre-application meeting. Applicants requesting an expedited minor construction permit can request a pre-application meeting if desired. Pre-application meetings for PSD applications must take place at least 90 days prior to submitting a PSD construction permit application. Other pre-application meetings must take place at least 30 days prior to submitting an application requesting expedited review. The Department may request an additional meeting with the applicant during the technical review of the application as needed.

Quality Applications:

The Department expects the highest of quality in applications that are selected for expedited review.

Procedures:

1. The applicant seeking expedited review will indicate interest in participating in this program by completing the provided application form. The construction permit application must be considered administratively complete in order to be considered for the program.
2. All applicants requesting expedited review will be placed in a pool of projects and kept there until:
 - a. The project has been chosen for expedited review; or
 - b. The applicant decides to no longer be considered for expedited review (this request must be submitted in writing from the applicant); or
 - c. The Department has determined that the project is not eligible to participate in the program.
3. Each Permit Section will accept no more than one minor source construction permit project for expedited review per week. Each Permit Section will accept no more than one synthetic minor source construction permit project for expedited review per week. The Division will accept all PSD construction permit projects for expedited review if they are eligible for the program. However, due to limited modeling resources, the Department may limit PSD modeling reviews to one project at a time. The Division will accept all requests for expedited review for new facilities (i.e., greenfield sites). For the purpose of this program, a "new facility" is defined as a stationary source (or group of stationary sources) that will be located on property that is undeveloped or has no industrial activity at the time of permit application submission. For the purpose of this program, expansions to existing facilities are not considered new facilities. The Division will accept no more than four concrete batch or asphalt plant construction projects per week. The Division currently has four permit sections. A permit section may decide not to accept any requests for expedited review if the section has less than 50% of its permit writer full-staff level.
4. If multiple requests are received for minor source or synthetic minor permits (excluding new facilities as defined above, concrete batch plants, and asphalt plants) for expedited review within a week, a random selection will take place on Thursdays at approximately 1pm. To be guaranteed to be eligible for the Thursday random selection, the Department must receive a project by the close of business the preceding Monday (stamped). The project must be logged into EFIS and deemed administratively complete prior to the random selection. Applications not considered administratively complete will not qualify for expedited review and will be reviewed in accordance with the normal regulatory timeframes once deemed complete. If the random selection Thursday falls on a holiday (or office closure), the selection will take place on the next business day. Applicants not randomly selected for expedited review can request to be included in the next week's random selection. If the Department receives only one minor source and synthetic minor source application per section for expedited review within a week, these projects will be selected for expedited review if eligible.
5. The applicant will be notified of his/her selection for expedited review by phone by the next business day by the expedited review staff. Once contacted, the applicant must verbally accept or reject their entry into the program. If the Department is not able to get in touch with the applicant, that project will be passed over and

the normal regulatory timeframes will apply. The applicant must provide multiple phone numbers so he/she can be contacted easily. Individuals should not call the Department to determine if their project was selected for expedited review.

6. The expedited review timeframes specified in Table A above will not begin until the applicant has been contacted and he/she has accepted their entry into the program. If the applicant at this point decides not to be considered for expedited review, a letter must be faxed (803-898-4079) or emailed (airpermitexp@dhec.sc.gov) to the Department immediately requesting that the project not be considered for expedited review.
7. The applicant must pay the expedited review fee within five business days of verbally accepting entry into the program. The expedited review fee must be paid by check. All payments must be made payable to S.C. DHEC. If the expedited review fee is not received by the specified deadline above, the project will no longer qualify for expedited review and will be reviewed in accordance with the normal regulatory timeframes.
8. Projects selected for the expedited review program in the eight coastal counties must comply with the necessary S.C. DHEC - Office of Ocean and Coastal Resource Management (OCRM) "Coastal Zone Consistency Certification"* review and public notice requirements.
9. The review staff will only review the application that was submitted and entered into the tracking system, unless the Department requests a modified application.
10. During the technical review of the permit application, staff may request clarifications or additional information needed to complete the review. The days needed to submit additional information to the Department will not be included in the timeframes in Table A above. The review clock will stop when the staff makes a written (via letter or e-mail) request to the applicant. The Department will specify a deadline to submit the additional information. The review clock will restart when the information requested is received by the Department.
11. In most cases, the expedited review permit application will be reviewed by the permit writer currently assigned to that facility, county, or specialty category. This will allow staff that are more familiar with the facility or facility type to work on the project and issue the permit quicker. Other projects the permit writer has will be re-assigned to other staff as needed within the section or division. Additional staff will be hired to ensure other projects being reviewed under the normal review timeframes are continued to be issued in a timely manner.

* "Coastal Zone Consistency Certification": Before any state or federal permit can be issued for a project in the Coastal Zone, S.C. DHEC-OCRM must review the project for consistency with the Coastal Zone Management Plan. This certification is required of any project taking place in the eight coastal counties: Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry and Jasper. Facilities located in any of these eight coastal counties, must submit a copy of this Expedited Review Request along with the appropriate Part I and Part II Construction Permit Application Forms to:

William McGoldrick
S.C. DHEC-OCRM Charleston
1362 McMillan Ave., Suite 400
Charleston, SC 29405

Eligibility

All minor source, synthetic minor, and PSD construction projects, except as outlined below, will be eligible for expedited review. The following construction permits are not eligible for expedited review, or may no longer be eligible for expedited review:

1. A construction project that is subject to the Non-attainment New Source Review (NSR) requirements is not eligible for expedited review.
2. If an adverse comment relating to the proposed expedited review project is received from the public, the Department reserves the right to determine if the project will continue to be eligible for expedited review depending upon the nature of the comment received. If the Department receives a request for a public hearing related to a proposed expedited review project and the Department decides to grant the request, the review clock will stop for up to 60 days to schedule and notify the public of the hearing and to respond to all comments received during the public comment period and hearing.
3. The Department reserves the right to deny an applicant's request for expedited review if past projects at the facility (or a similar project at another facility) have received adverse public comments.
4. The Department reserves the right to deny an applicant's request for expedited review if the facility has had a recent air quality enforcement action taken against them by the Department.
5. When an applicant does not submit additional information requested in item 10 above by the deadline specified by the Department, that application will no longer be eligible for expedited review. The Department may grant the applicant an extension to submit additional information upon request.
6. An applicant that has failed to pay fees or fines owed to the Department is not eligible for expedited review.
7. Applicants (facilities or consultants) that submit insufficient permit applications more than once may not be eligible for participation in this program for a period of one year. Insufficiencies would include, but are not limited to, applications that are not high in quality; are incomplete; or fail to address information discussed during the pre-application meeting; and applicants that fail to submit requested additional information by the requested deadline, or fail to submit fee payment on time.

Fees

The expedited review fee is in addition to the normal annual air emission fees. The fees are as follows:

Table B Expedited Review Fees	
Permit Type	Expedited Review Fee***
Minor Source Construction Permit	\$3,000
Synthetic Minor Construction Permit	\$4,000
Prevention of Significant Deterioration (PSD) not impacting a Class I Area	\$20,000
Prevention of Significant Deterioration (PSD) impacting a Class I Area	\$25,000
Expedited Review Fees for Industries That Fall Under the General Permit Programs	
Permit Type	Expedited Review Fee*
Minor Source Construction Permit - Concrete Batch	\$1,500
Minor Source Construction Permit - Asphalt Plant	\$2,000
Synthetic Minor Construction Permit - Concrete Batch	\$3,000
Synthetic Minor Construction Permit - Asphalt Plant	\$3,500
*** The expedited review fee may be periodically reviewed and adjusted (increased or decreased) to ensure the Department has the resources to adequately fund the program.	